

District Judge Kymberly K. Evanson

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ETEROS TECHNOLOGIES USA, INC.; and  
AARON MCKELLAR, a citizen of Canada,

Plaintiffs,

v.

UNITED STATES OF AMERICA; UNITED STATES  
DEPARTMENT OF HOMELAND SECURITY;  
UNITED STATES CUSTOMS AND BORDER  
PROTECTION; and HARMIT S. GILL,

Defendants.

CASE No. 25-cv-00181-KKE

STIPULATED MOTION TO  
STAY JOINT STATUS  
REPORT AND DISCOVERY  
PLAN PENDING  
DETERMINATION ON  
DEFENDANTS' MOTION  
TO DISMISS

Noted for Consideration on:  
April 29, 2025

COME NOW the parties, by and through their respective counsel, pursuant to  
LCR 7(d)(1), and respectfully request in this stipulated motion to stay all current deadlines  
pending a determination by this Court on the Government's Motion to Dismiss (ECF 19).

Plaintiffs filed their Complaint on January 29, 2025 (ECF 1). The United States  
Attorney's Office was served on February 6, 2025. The parties agreed to extend the Defendants'

1 deadline to respond to the Complaint by stipulated motion on March 26, 2025, for fourteen days  
2 to “provide a meaningful opportunity for the parties to consider potential resolution of the  
3 matter[.]” *See* Stipulated Motion to Extend Time for Responsive Pleading (ECF 17). The Court  
4 granted the extension request, setting a new deadline of April 21, 2025, for Defendants’ to file  
5 their response to the Complaint.  
6

7 On April 8, 2025, the parties conducted a Rule 26(f) conference and discussed *inter alia*  
8 the nature of the action arising under the APA and U.S. Constitution, the timing of Defendants’  
9 production of the agency record and other matters under Rule 26(f).  
10

11 On April 21, 2025, Defendant filed a motion to dismiss this action with a noting date of  
12 May 19, 2025 (ECF 19). Plaintiffs’ response to the motion to dismiss is due May 12, 2025.

13 The parties respectfully submit that good cause exists to stay the deadline to file a Joint  
14 Status Report and Discovery Plan. The parties submit that engaging in case planning and  
15 discovery obligations while a potentially dispositive motion is pending could result in  
16 inefficient use of judicial and party resources. Here, Defendants have filed a Motion to Dismiss  
17 (ECF 19), which, if granted, would result in dismissal of this action. Accordingly, staying the  
18 requirement to file a Joint Status Report and Discovery Plan until after the Court rules on the  
19 motion to dismiss will conserve judicial resources, avoid unnecessary litigation costs, and  
20 promote the orderly administration of justice.  
21

22 The parties further stipulate that, should the Court deny the pending motion to dismiss in  
23 whole or in part, they will promptly submit a Joint Status Report and Discovery Plan within  
24 fourteen (14) days of the Court’s order or such other time as the Court may direct.  
25  
26  
27  
28

1 Dated: April 29, 2025

2 Respectfully submitted,

3  
4 Yaakov Roth  
5 Acting Assistant Attorney General  
6 Civil Division

7 Jonathon A. Robbins  
8 Assistant Director  
9 Office of Immigration Litigation

10 /s/ Jesi J. Carlson  
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19 *Counsel for Defendants*

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*Counsel for Plaintiff Eteros Technologies  
USA, Inc. and Plaintiff Aaron McKellar*

**PROPOSED ORDER**

Pursuant to the parties' stipulated motion, and the parties having stipulated and agreed, it is hereby:

ORDERED that the deadline to file a Joint Status Report and Discovery Plan is stayed pending resolution of the pending Motion to Dismiss this action (ECF 19); and it is further

ORDERED that, should the Court deny the pending Motion to Dismiss this action in whole or in part, the parties will promptly submit a Joint Status Report and Discovery Plan within fourteen (14) days of the Court's Order or such other time as the Court may direct.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025

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Kymberly K. Evanson  
United States District Judge

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**CERTIFICATE OF SERVICE**

On April 29, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

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